

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES

In the Matter of the Complaint)
Against CONCERNED CITIZENS)
OF COLUMBIA FALLS)

SUMMARY OF FACTS AND STATEMENT OF FINDINGS

Roger W. Hopkins of Columbia Falls filed a complaint against "Concerned Citizens of Columbia Falls," alleging that it failed to comply with state laws governing reporting requirements for political committees.

SUMMARY OF FACTS

1. An ad appeared in the November 2, 1995 edition of the Hungry Horse News (the News). The ad stated: "To the Voters of Columbia Falls, we need a change in our Columbia Falls City Council." This introductory statement was followed by several paragraphs of specific criticisms relating to the City Council and the complainant, Mr. Hopkins, who at that time was the Columbia Falls City Manager. The final paragraph of the ad states:

We adopted the city manager form of management to make our city government more efficient, cost effective and responsive to the people. We who watch city government have not seen any of the desired results. If this type of government is to be effective then we need the right people to administrate it. To discuss any of these issues please call. **If you agree please vote - vote for change. Election day is Tuesday, November 7th.** [Bold lettering in original, underlining added].

Following the final paragraph of the ad are the names, addresses, and telephone numbers of Dennis Howard, Mike Shepard, Joe Silva, and Barb Proctor, four candidates for City Council in the election.

At the bottom of the ad are the words: "Paid for by Concerned Citizens of Columbia Falls," with no other identifying information.

2. The ad was written by Gary Purdy. It was first submitted to the News for publication as a letter to the editor. According to the editor of the News the letter was unsigned, and was therefore not published, since it is the policy of the News not to publish unsigned letters. The letter was then resubmitted as a paid advertisement, and it was published in the News.

3. Mr. Purdy recalled that he originally submitted the ad to the News for publication as a letter to the editor. He believes that the original version was signed by the four individuals whose names appear on the bottom of the ad. He stated, however, that none of those four people asked him to write the document, nor did they pay for any of the publishing cost.

4. Mr. Purdy stated that at the time he composed the ad he had some major disagreements with the existing City Council, and also with the City Manager, Roger Hopkins. According to Mr. Purdy, Mr. Hopkins almost put him out of business, and he felt that the existing City Council bore some of the responsibility for Mr. Hopkins's actions. He also believed Mr. Hopkins had done considerable damage to the city while he served as City Manager. Mr. Purdy composed the ad because he wanted to make people aware of his concerns. He intended to publicly express his frustration with Mr. Hopkins's management of the city. He also hoped that the ad would result in Mr. Hopkins's resignation or termination, as well as a change in membership of the City Council.

5. Mr. Purdy stated that when the document was resubmitted for publication as an ad, it cost approximately \$100 to publish it in the News. Half of the cost was paid by Mr. Purdy, and the other half was paid by Dick Skees. While Mr. Skees had no input into the content of the ad, he paid half the cost of publication because he supported Mr. Purdy's cause and he did not want Mr. Purdy to have to pay the entire cost of the ad.

6. Mr. Purdy stated that he and Mr. Skees used the name "Concerned Citizens of Columbia Falls" because they felt it best described their position on the issues addressed in the ad. He stated that the ad was not intended to endorse any particular candidate, but it was intended to oppose incumbent City Council members.

7. Both Mr. Purdy and Mr. Skees stated they were not aware that they had to comply with any campaign finance reporting requirements. They stated they did not intend to be deceptive or dishonest, and were not attempting to evade reporting requirements.

STATEMENT OF FINDINGS

The issue in this case is whether Concerned Citizens of Columbia Falls is a "political committee" that is subject to the requirements of the Montana laws governing campaign finance reporting. To answer that question it is necessary to examine the applicable statutory definitions in Mont. Code Ann. § 13-1-101:

Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

. . .

(3) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

. . . .

(7) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value made for the purpose of influencing the results of an election.

. . . .

(12) "Political committee" means a combination of two or more individuals or a person other than an individual who makes a contribution or expenditure:

(a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination; . . . [Emphasis added].

Gary Purdy and Dick Skees meet the definition of a "political committee" in that they are two individuals who made a contribution or expenditure to support the election of new city council members. Although Mr. Purdy contended that the ad was not intended to support any particular candidate, it is apparent that the effect of the ad was to do just that. The words ". . . please vote - vote for change," followed by the names, addresses, and telephone numbers of the candidates who were challenging incumbents in the election clearly suggested that the reader should vote for each of the candidates listed.

Mont. Code Ann. § 13-37-201 provides:

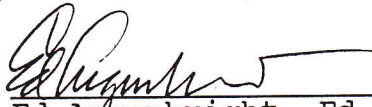
Campaign treasurer. Except as provided in 13-37-206, each candidate and each political committee shall appoint one campaign treasurer and certify the full name and complete address of the campaign treasurer pursuant to this section. A candidate shall file the certification within 5 days after becoming a candidate. A political committee shall file the certification, which shall include an

organizational statement and set forth the name and address of all other officers, if any, within 5 days after it makes an expenditure or authorizes another person to make an expenditure on its behalf, whichever occurs first. The certification of a candidate or political committee shall be filed with the commissioner and the appropriate election administrator as specified for the filing of reports in 13-37-225.

Gary Purdy and Dick Skees did not file the requisite certification, including an organizational statement, as required by the statute.

Citizen groups must conduct their political activities in compliance with state campaign finance and practice statutes. Pursuant to Mont. Code Ann. § 13-37-121 Concerned Citizens of Columbia Falls will be notified of the noncompliance and given an opportunity to file the required reports. If the political committee fails to comply following notification, an Order of Noncompliance will be issued pursuant to the statute, followed by any other remedial measures deemed to be necessary.

Dated this 22nd day of November, 1996.



Ed Argenbright, Ed.D.
Commissioner of Political Practices